

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BOBBI VAN EMAN as personal)	
Representative of ROBERT VAN EMAN,)	
Plaintiff,)	
)	
vs)	Civil Action No. 11-792
)	
NOVARTIS PHARMACEUTICALS)	
CORPORATION,)	
Defendant.)	

ORDER

MARK R. HORNAK, District Judge.

Plaintiff, Robert Van Eman commenced this action on April 14, 2011. The case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

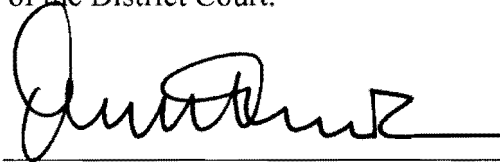
The Magistrate Judge's Report and Recommendation [ECF No. 65] filed on September 10, 2013 recommended that Defendant's Motion for Summary Judgment on the limited issue of the applicability of the statute of limitations be denied. Service of the Report and Recommendation was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, they had fourteen (14) days to file any objections. The Defendant filed timely Objections to the Report and Recommendations [ECF No. 67] on September 24, 2013, to which Plaintiff timely responded [ECF No. 68] on October 7, 2013.

After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, and pleadings thereto, the following order is entered:

AND NOW this 10th day of October, 2013,

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment [ECF No. 58] is denied.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Robert C. Mitchell is hereby adopted as the Opinion of the District Court.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge